

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

BLUE BELL INN, INC.	)	
601 Skippack Pike	)	
Blue Bell, PA 19422,	)	
Plaintiff,	)	
	)	
v.	)	
	)	02cv4068 JF
ANDREW KAMARATOS and	)	
AGGI, L.P., d/b/a BLUE BELL DINER,	)	
1324 Skippack Pike	)	
Blue Bell, PA 19422,	)	
Defendants.	)	

**PLAINTIFF, BLUE BELL INN, INC.'s MOTION FOR PRELIMINARY INJUNCTION  
AGAINST TRADEMARK INFRINGEMENT BY DEFENDANTS**

Plaintiff, BlueBellInn, Inc. ("BLUE BELL INN"), by its undersigned attorney, moves this Court pursuant to its Complaint to enjoin the Defendants, and their officers, agents, servants, employees, attorneys, and all persons in active concert or participation with them, or any of them, during the pendency of this action from using the words "Blue Bell", and the symbol of a blue bell and a ribbon, and any colorable variations thereof, in the rendering, advertising, promotion, and offering of restaurant services within their current service areas.

As grounds therefore plaintiff alleges that the use by defendants of plaintiff's Federally registered incontestable service marks constitutes trademark infringement; that there is not an adequate remedy at law; that Plaintiff is being irreparably injured by Defendants' acts; that Plaintiff is likely to succeed on the merits after trial, in view of its use, promotion and incontestable registration of the trademarks, which are attached as Exhibits A to C, in relation to restaurant services; that the injury to Plaintiff outweighs the injury to Defendants; and that the injunction would not disserve the public interest.

This motion is based on the Complaint, the Exhibits attached thereto, the exhibits attached hereto, and the accompanying Memorandum of Law including the Declaration of Counsel contained therein.

The undersigned counsel discussed bringing this motion with the Defendants' counsel.

No prior requests for the foregoing relief have been made.

A preliminary injunction is proper to prevent the Defendants from persisting in their unlawful conduct and is supported by applicable case law from the Third Circuit Court of Appeals. Thus, the Plaintiffs Motion for a Preliminary Injunction should be granted.

A suitable order is attached.

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by U.S. Mail to defendants' counsel, Joseph T. Piscitello, Esquire, 1735 Market Street, suite 1330, Philadelphia, PA 19103 this 31st day of July, 2002.

Blue Bell Inn, Inc.

by  
FRANK J. BENASUTTI, ESQUIRE  
BENASUTTI, P.C.  
Pennsylvania Attorney ID No. 04645  
One Boca Commerce Center  
551 N.W. 77<sup>th</sup> Street, Suite 111  
Boca Raton, FL 33487  
Tel. 561-994-5959  
Fax 561-994-5990  
email: [IPTRIALS@aol.com](mailto:IPTRIALS@aol.com)  
Counsel for Plaintiff